

REMARKS

Claims 1-37 are pending in the application. Claims 29-37 are hereby withdrawn from consideration. The Examiner rejected Claims 1-28. No claims have been allowed.

Election

Applicant hereby affirms the provisional election to prosecute the invention of Group I, i.e., Claims 1-28. Claims 29-37 are hereby withdrawn from consideration. Applicant reserves the right to file Claims 29-37 in a divisional application.

Claim Rejections – 35 U.S.C. § 112

Applicant has amended Claims 9 and 22 to remove the term "conventional".

Claim Rejections – 35 U.S.C. § 102

The Examiner rejected Claims 1, 16-18, and 22-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0024165 (hereinafter "Steen et al. '165"). Applicant respectfully submits that Steen et al. '165 does not disclose or suggest a battery-powered sensor module including a wireless communication device having a processor and associated software enabling the communication device to generate event messages, as called for in Claims 1 and 16.

Steen et al. '165 discloses sensor reading system 10, shown in Figure 1, including data acquisition device 26, antenna 24, and data collector 50 which is part of collection unit 14. As shown in Figure 2, sensor and data acquisition combination unit 12 includes sensor 20 and data acquisition device 26. Data acquisition device 26 includes antenna 24, microprocessor 30 having transmission and/or reception capabilities, power supply 28, and interface 32. Microprocessor 30 takes data received from sensor 20, stores the data, and then, based upon a preprogrammed transmission schedule, transmits the data to data collector 50. Nowhere does Steen et al. '165 disclose data acquisition device 26 including any type of software which enables data acquisition device 26 to generate an event message which is then transmitted to data collector 50. In contrast, data acquisition device 26 merely stores the data gathered from sensor 20 and has no capability to generate any sort of event messages and then transmit the event messages to data collector 50. Because Steen et al. '165 does not disclose or suggest a sensor module including a wireless communication device having a processor and software enabling the communication device to generate event messages, as called for in Independent

Claims 1 and 16, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(e) rejection of Claims 1 and 16, and Claims 17-18 and 22-28 depending therefrom.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejected Claims 2, 4-13 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Steen et al. '165 in view of U.S. Patent No. 3,781,624 (hereinafter "Tullis '624") and U.S. Patent No. 5,238,369 (hereinafter "Farr '369"). Tullis '624 discloses a liquid level indicator and flow measuring device, shown in Figure 1, without any disclosure of a wireless communication device having a processor and associated software enabling the communication device to generate event messages. Farr '369 discloses a liquid level control with capacitive sensors, but fails to disclose the use of a wireless communication device having a processor and associated software with the capability to generate event messages. The disclosure of Steen et al. '165 is discussed above. The disclosures of Tullis '624 and Farr '369 do not supply the claimed limitation missing from Steen et al. '165 described above. As such, Applicant respectfully submits that Claims 2, 4-13 and 19-20 are patentable for at least the reasons advanced above with respect to Claims 1 and 16.

The Examiner rejected Claims 3 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Steen et al. '165 in view of Tullis '624 and Farr '369 and further in view of U.S. Patent No. 6,568,264 (hereinafter "Heger '264"). Furthermore, the Examiner rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Steen et al. '165 in view of U.S. Patent No. 6,510,350 (hereinafter "Steen et al. '350"). The disclosure of Steen et al. '165 is discussed above. Heger '264 discloses a wireless swimming pool water level system without any disclosure or suggestion of a wireless communication device having a processor and associated software. Steen et al. '350 discloses a remote data access and system control without any disclosure or suggestion of a wireless communication device having a processor and associated software. The disclosures of Heger '264 and Steen et al. '350 do not supply the claimed limitation missing from Steen et al. '165 described above. As such, Applicant respectfully submits that Claims 3, 14, and 21 are patentable for at least the reasons advanced above with respect to Claims 1 and 16.

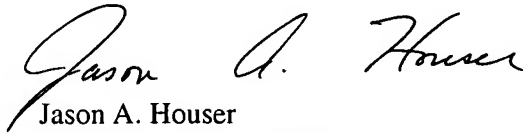
It is believed that the above represents a complete response to the Office Action and reconsideration is requested.

Application Serial No. 10/618,216
Amendment dated January 3, 2006
Reply to Office Action dated October 3, 2005

In the event Applicant has overlooked the need for an extension of time or payment of fee, Applicant hereby petitions therefor and authorizes that any charges be made to Deposit Account No. 02-0385, BAKER & DANIELS.

If any questions concerning this application should arise, the Examiner is encouraged to telephone the undersigned at 260/424-8000.

Respectfully submitted,



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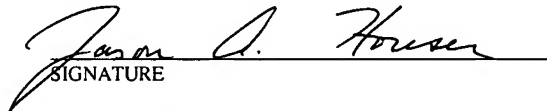
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DATE